

KAUA'I PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
February 23, 2016

The regular meeting of the Planning Commission Subdivision Committee of the County of Kaua'i was called to order at 8:33 a.m., at the Lihue Civic Center, Mo'ikeha Building, in meeting room 2A-2B. The following Commissioners were present:

Mr. Louis Abrams
Mr. Kimo Keawe
Mr. Roy Ho

The following staff members were present: Planning Department – Dale Cua; Deputy County Attorney Jodi Higuchi-Sayegusa; Office of Boards and Commissions – Administrator Jay Furfaro, Commission Support Clerk Darcie Agaran

Discussion of the meeting, in effect, ensued:

CALL TO ORDER

Vice Chair Abrams called the meeting to order at 8:33 a.m.

ROLL CALL

Vice Chair Abrams: Roll call.

Staff Planner Dale Cua: Commissioner Keawe?

Mr. Keawe: Here.

Mr. Cua: Commissioner Roy? I'm sorry. (Laughter)

Mr. Ho: I've got the shortest name.

Vice Chair Abrams: Ho.

Mr. Cua: Yes, Ho. Yes. (Laughter in background)

Mr. Ho: Here.

Mr. Cua: Chair Abrams?

Vice Chair Abrams: Here.

Mr. Cua: Chair, we have three (3) members.

Vice Chair Abrams: All members accounted for.

Mr. Cua: Yes.

APPROVAL OF AGENDA

Vice Chair Abrams: Approval of the Agenda. Can I have a motion from one of you?

Mr. Keawe: I move to approve the agenda.

Mr. Ho: Second.

Vice Chair Abrams: Moved and seconded. All in favor say "aye". (Unanimous voice vote)
Opposed? (None) Motion carries 3:0.

MINUTES of the meeting(s) of the Subdivision Committee

Meeting of January 12, 2016

Vice Chair Abrams: Minutes of the Meeting of the Subdivision Committee. Meeting of January 12, 2016. Since you guys weren't here, you want to go ahead and approve it?

Mr. Ho: Move to receive.

Vice Chair Abrams: Okay.

Mr. Keawe: Second.

Vice Chair Abrams: All those in favor say "aye". (Unanimous voice vote) Motion carries 3:0.
Okay, minutes are approved.

Deputy County Attorney Jodi Higuchi-Sayegusa: It was to receive.

Mr. Cua: Yes, the motion is to receive. For the record, yes.

Vice Chair Abrams: Okay.

HEARINGS AND PUBLIC COMMENT

Vice Chair Abrams: Okay, Hearings and Public Comments. Individuals may orally testify on items on any of the agendas during the Public Comment Period. Please call the Planning Department prior to the meeting. So, we have...is there...? Oh, there isn't anything on here in regards to...

Ms. Higuchi-Sayegusa: Anyone can...you can call for public testimony for any (inaudible).

Vice Chair Abrams: Yes. I'll call for any public testimony if anybody wants to go ahead and testify on any of the Subdivision Committee matters. If not, we'll start into New Business.

NEW BUSINESS (For Action)

Tentative Subdivision Approval

Subdivision Application No. S-2016-13; Clise Property Trust; Proposed 2-lot Subdivision; TMK: (4) 2-6-014:018; Kōloa, Kauaʻi

Vice Chair Abrams: Tentative Subdivision Approval.

Mr. Cua: Okay. Thank you, Mr. Chair. The first proposal up for action is for tentative subdivision approval. It's Subdivision Application No. S-2016-13. The applicant is Clise Property Trust. The proposal is a 2-lot subdivision. Tax Map Key: 2-6-014 Parcel 18. The property is situated in Kōloa.

Before I read the application, just wanted to note that I did speak with the applicant's representative. He's unable to be here in attendance. So if you have any questions regarding the application, you could defer this matter to the next meeting for him to be present. But since it is scheduled on the agenda, I'll just go ahead and make the presentation.

Vice Chair Abrams: Yes.

Mr. Cua: And if you have any questions, by all means, you can ask me.

Vice Chair Abrams: Please do.

Mr. Cua: The proposal involves the subdivision of a lot within the Kōloa Estates Subdivision. As noted, it is a 2-lot subdivision proposal. The application was routed to the various reviewing agencies for their review and comment. The Department has incorporated these requirements into the subdivision report. As a result, the Department is recommending tentative subdivision approval of this application.

Vice Chair Abrams: Okay, any questions for Dale? Go ahead.

Mr. Ho: Dale, does this applicant have an ADU Permit...I mean, Certificate with you?

Mr. Cua: For the current layout? Actually, the property is actually vacant right now.

Mr. Ho: But is he holding an ADU application with you?

Mr. Cua: That I'm not aware of. I can tell you with the proposed subdivision, each resultant lot will then be able to qualify for an ADU.

Vice Chair Abrams: Dale, and that's because this is Residential zoned.

Mr. Cua: Yes, it is Residential.

Vice Chair Abrams: So you don't have to have that Special Permit because that's only for Ag and Open?

Mr. Cua: Correct.

Mr. Keawe: Dale, this is part of the Kōloa Estates Subdivision, right?

Mr. Cua: Yes.

Mr. Keawe: Yeah, so it already has that designation.

Mr. Cua: Yes. It has a Residential zoning designation.

Mr. Ho: Okay, thank you.

Vice Chair Abrams: Any other questions?

Mr. Keawe: Just one (1) quick one. I see that the first lot paid the FRC and the second one would not be subject to that.

Mr. Cua: Yes, correct.

Mr. Keawe: Okay, because...?

Mr. Cua: Sometimes the applicant anticipates further development on the property, and I think with the recent upcharges, they paid the FRC ahead of time.

Mr. Keawe: Okay. Alright, thank you.

Vice Chair Abrams: Yes.

Mr. Ho: Dale, one (1) more question. Look at that map, please. There's a radius drawn in there, and there's a line and there's also a dotted line. Which is the property line? The correct property line?

Mr. Cua: The property line is the bolder line.

Mr. Ho: The dotted line?

Vice Chair Abrams: Solid.

Mr. Cua: The solid line.

Mr. Ho: The solid line?

Mr. Cua: Right. Inside that cul-de-sac there is another line that's actually...that indicates the edge of pavement.

Mr. Ho: There's a what?

Mr. Cua: Edge of pavement. The actual asphalt pavement.

Mr. Ho: Oh, okay. I'm sorry.

Vice Chair Abrams: Okay. Any more questions?

Mr. Ho: Oh, one (1) more.

Vice Chair Abrams: Yes.

Mr. Ho: 0.24 acres. What is that in square footage?

Mr. Cua: Roughly...

Mr. Ho: 10,000?

Mr. Cua: About 11,000 square feet.

Vice Chair Abrams: No, it's less than that because if it's...one (1) acre is 43,000.

Mr. Cua: Yes, so just under 11,000 square feet.

Vice Chair Abrams: Two times is...

Mr. Ho: A quarter of 43.

Vice Chair Abrams: 86. Right. So basically, it's pretty close to 10. Yeah. But it's R-6 zoned, right?

Mr. Cua: R-4.

Vice Chair Abrams: R-4?

Mr. Cua: R-6. I'm sorry. It is R-6.

Vice Chair Abrams: Yes, R-6. So R-6 can be subdivided into smaller lots and (inaudible).

Mr. Cua: Technically, they could have created three (3) lots out of this existing lot, but what you have here is just a 2-lot proposal.

Mr. Ho: It would be 10,000 plus then? The 0.24?

Mr. Cua: Yes.

Vice Chair Abrams: Well, I'll get my calculator out. (Laughter in background) No, you calculate it. You get one right there.

Mr. Keawe: Is it 43,560?

Vice Chair Abrams: Yes.

Mr. Keawe: It is?

Vice Chair Abrams: 43,560 is how many square feet in an acre.

Mr. Cua: 10,454 square feet.

Vice Chair Abrams: So, 10,000 square feet. So they would each qualify, then, for a dwelling and an ADU?

Mr. Cua: Yes.

Vice Chair Abrams: And this property is sewer?

Mr. Cua: Yes.

Vice Chair Abrams: It is a sewer subdivision. Okay. Okay, any further questions? If not, I would need a motion one way or the other.

Mr. Keawe: I move to tentatively approve Subdivision Application No. S-2016-13.

Mr. Ho: Second.

Vice Chair Abrams: Moved and seconded. All those in favor say "aye". (Unanimous voice vote) Motion carries 3:0. Subdivision tentatively approved. Next one, please.

Subdivision Extension Request

Subdivision Application No. S-2012-12; Jean E. Nadatani; Proposed 2-lot Subdivision;
TMK: (4) 2-5-003:006; Lāwa‘i, Kauai

Mr. Cua: Okay. The next application up before you is for a subdivision extension request; Subdivision Application No. S-2012-12. The applicant is Jean E. Nadatani. It's a proposed 2-lot subdivision. Tax Map Key 2-5-003 Parcel 6 in Lāwa‘i, Kaua‘i.

Moving on to the Department's report, just to give you a little bit of background, the proposed subdivision establishes two (2) lots within the Agriculture zoning district. The application was granted tentative approval by the Planning Commission on June 26, 2012, and this is the applicant's second extension request for the proposal. The previous extension request was approved and granted to January 27, 2016. The property is approximately 3.122 acres in size, and is located at the corner of Kaumuali‘i Highway and Akemama Road in Lāwa‘i. It should be noted that the applicant is still working to resolve the infrastructure requirements related to the subdivision, and the applicant is still making progress in complying with the requirements of the subdivision. We did note in the Department's report that the applicant should demonstrate further progress with the subdivision, and if further extension request is necessary, the applicant is required to submit an updated status report. As a result, the Department is recommending an extension to January 27, 2017 for the subdivision proposal. We are also recommending that the applicant continue to submit a status report on the subdivision application.

Vice Chair Abrams: Commissioners, any questions for Dale?

Mr. Keawe: I noticed that the initial approval was June 26 of 2012. Under normal...I don't know if you can say normal conditions, but what has been the track record, I guess, with regard to these kinds of approvals for smaller family kind of subdivisions?

Mr. Cua: Sure. Generally speaking, the tentative subdivision approvals are valid for a year, and whenever the Department entertains extension requests, the Department's recommendation is to grant extension periods for one (1) year to allow the applicant to resolve the requirements and also to demonstrate progress. So in this case, the applicant's challenge has been working with the Department of Health.

Mr. Keawe: Department of Health?

Mr. Cua: Health, yes.

Vice Chair Abrams: Yes. Actually, the Department of Health recommended to deny the subdivision. Probably because of that water tank, right?

Mr. Cua: Correct.

Vice Chair Abrams: It's in that situation and that area which then what happens is...to resolve that with the Health Department sometimes takes a lot longer because it's a lot of going back and forth.

Mr. Keawe: Where... Is this... Its 1,000 feet west of the post office?

Vice Chair Abrams: Yes.

Mr. Keawe: Going down the hill?

Vice Chair Abrams: No, no, right on the main highway.

Mr. Cua: Just before you go down the hill.

Mr. Keawe: Just before you go down the hill?

Mr. Cua: Just before you go down the hill. Correct.

Mr. Keawe: Oh, okay.

Vice Chair Abrams: So, you know Akemama where it goes up steep?

Mr. Keawe: Yeah, yeah, yeah, the one that goes straight up.

Vice Chair Abrams: That's the (inaudible).

Mr. Keawe: Ah, got it.

Mr. Cua: Yes.

Vice Chair Abrams: Everything is complicated over there. (Laughter in background)

Mr. Keawe: Okay. So you feel that the extension is warranted?

Mr. Cua: Oh yeah. Actually, the applicant had to go through a variance procedure with the Health Department.

Mr. Keawe: Okay.

Mr. Cua: Yeah.

Mr. Keawe: Alright. Okay, thank you.

Vice Chair Abrams: Any questions? No. Is the applicant here? Or its representative?

Dennis Esaki: Morning. Dennis Esaki representing the applicants sitting in the back there, out of the camera view. Thank you. As Dale said, we request another extension due largely to the Department of Health's condition. They initially recommended denial and we worked it out with them due to, as Mr. Abrams said, the proximity to the well. But with certain conditions, they are recommending approval. Also, we are working on the road-widening strip. We presented the

draft descriptions and map of that. And also with the highway, they had to demonstrate that there is no need for widening on that highway, and we've submitted that earlier to the Department.

Vice Chair Abrams: Any questions?

Mr. Keawe: I have a question.

Vice Chair Abrams: Yes.

Mr. Keawe: Dennis, do you feel the extension is within that time that you could get the final subdivision map completed?

Mr. Esaki: Yes. Yes, we believe so.

Mr. Keawe: And that would be through 2017, right?

Mr. Esaki: Yes. The owners will be beating on me to get it done.

Mr. Keawe: Okay. You can get it done, right?

Vice Chair Abrams: Yes.

Mr. Ho: Dennis, Lot No. 2, the driveway exits right through Lot No. 1. When the subdivision becomes complete, you will go...Lot No. 2 will exit onto Akemama Road?

Mr. Esaki: Lot No. 2 will enter via Akemama Road. Lot No. 1 has a driveway from the highway, as well as an easement through Akemama Road.

Mr. Ho: Lot No. 2 wouldn't then exit onto Akemama Road then?

Mr. Esaki: Yes. No access from the highway.

Vice Chair Abrams: But it's on Akemama. You see the driveway?

Mr. Ho: Yes.

Vice Chair Abrams: So they'd be going out Akemama, like they have been for a long time, right?

Mr. Esaki: Yes.

Vice Chair Abrams: And go down Akemama. They can't come off...they can't access Lot No. 2 from the highway, right?

Mr. Esaki: Right.

Vice Chair Abrams: Okay. Any other questions? If not, thank you, Dennis.

Mr. Esaki: Thank you.

Vice Chair Abrams: I need a motion to extend or not.

Mr. Keawe: I move to approve the extension for Subdivision Application No. S-2012-12.

Mr. Ho: Second.

Vice Chair Abrams: Moved and seconded. All those in favor say “aye”. (Unanimous voice vote) Opposed, “nay”. (None) Motion carries 3:0. Extension has been granted.

Thank you for coming, Mrs. Nadatani.

Subdivision Application No. S-2013-8; Princeville Prince Golf Course, LLC; Proposed 9-lot Subdivision; TMK: (4) 5-3-006:025; Princeville, Kaua‘i

Vice Chair Abrams: Okay, we have one (1) more?

Mr. Cua: Yes. The final subdivision...the final application before you is for a subdivision extension request as well. It's Subdivision Application No. S-2013-8. The applicant is Princeville Prince Golf Course, LLC. It is a proposed 9-lot subdivision. Tax Map Key: 5-3-006 Parcel 25 in Princeville, Kaua‘i.

A little bit of background. The proposed subdivision establishes a total of nine (9) lots within the Agriculture and Open zoning districts. The application was granted tentative subdivision approval by the Planning Commission on January 22, 2013, and this is the applicant's second extension request. The previous extension request was granted to January 27, 2016. The subject property is located on the mauka side of 'Anini Road, and contains a total area of approximately...about 75 acres. The applicant has been trying to resolve the infrastructure requirements relating to the subdivision, and therefore, they are requesting another extension request. Again, in this application, the Department is recommending that for further extension requests of this application, they continue to submit an updated status report. We are recommending an extension to January 27, 2017 with the requirement that the applicant submit the status report to the Department.

Vice Chair Abrams: Thank you, Dale. Any questions for Dale? No? Applicant for... Good morning, Max.

Max Graham: Good morning, Subdivision Committee members. I'm Max Graham, and I do represent the applicant. This request for an extension has been based on our...Princeville's need to resolve the water requirements and the original recommendation from the Department of Water was that a new waterline be constructed from Wyllie Road in Princeville Phase I down to 'Anini Road, so that would be on the west side of this proposed subdivision, and then along 'Anini Road to the subdivision. Instead, we've finally...Princeville has decided that having

completed the planning for the development on the plateau where the...so that would be to the south, mauka of this subdivision, water will be brought instead from the plateau down the cliff to the backside of this subdivision. So that decision has now been made. We need to finalize it with the Department of Water and Water Board, and we need to amend the...there's an agreement between the Board of Water Supply and the Princeville Utilities Company, Inc. whereby Princeville Utilities supplies water to the County system in 'Anini. We have to amend that to account for this new subdivision, and get the Department of Water to amend its recommendations and allow the construction from the top. But we are proceeding on that now, and with the one (1) year extension, we will be able to fulfill all of those requirements.

Vice Chair Abrams: Thank you, Max. Any questions for him? No? Thank you.

Commissioners, motion? Approve or deny?

Mr. Ho: Move for extension Permit No. S-2013-8.

Vice Chair Abrams: Okay, that's extension...you are moving to approve the extension for Princeville Prince Golf Course, LLC. All those in favor say "aye".

Mr. Keawe: Second.

Vice Chair Abrams: Oh, second, yes, right. Could've sworn I...okay. (Laughter in background) Okay, so now we have it for Princeville Prince Golf Course, LLC extension. All those in favor say "aye". (Unanimous voice vote) Opposed? (None) Motion carries 3:0.

Our Subdivision Committee meeting is adjourned.

ADJOURNMENT

Vice Chair Abrams adjourned the meeting at 8:53 a.m.

Respectfully submitted by:



Darcie Agaran
Commission Support Clerk

() Approved as circulated (add date of meeting approval).

() Approved as amended. See minutes of _____ meeting.